Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products

COMMISSION REGULATION (EC) No 619/2008

of 27 June 2008

opening a standing invitation to tender for export refunds concerning certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Article 161(3), Article 164(2)(b) and Article 170 in conjunction with Article 4 thereof,

Whereas:

(1) In accordance with Article 162(1) of Regulation (EC) No 1234/2007 the difference between the prices in world trade and in the Community may be covered for certain milk products by export refunds to the extent necessary to enable those products to be exported within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Commission Regulation (EC) No 580/2004[(2)] has laid down the rules for the tender procedure concerning export refunds for the skimmed milk powder falling under code ex 0402 10 19 9000, the natural butter in blocks falling under the code ex 0405 10 19 9700, the butteroil in containers falling under the code ex 0405 90 10 9000. Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products[(3)] repeals Regulation (EC) No 580/2004 as from 1 July 2008.

(3) In accordance with Article 2(1) of Regulation (EC) No 1454/2007 a standing invitation to tender should be opened concerning the products covered by Article 1(1) of that Regulation. Since Regulation (EC) No 1454/2007 does not contain all the specific rules for the dairy sector included so far in Regulation (EC) No 580/2004, it is necessary to establish those rules from the date of repeal of that Regulation. For practical reasons and for sake of clarity and simplification, it is appropriate to provide for one single Regulation containing also the specific provisions of Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter[(4)] and of Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning skimmed milk powder[(5)].

(4) Commission Regulation (EC) No 1282/2006 of 17 August 2006 laying down special detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 619/2008. (See end of Document for details)*

export licences and export refunds for milk and milk products[6], applies to all export licences and export refunds in the dairy sector. Licences issued in the context of the tender to be opened by this Regulation relate to specific products, it is therefore appropriate to lay down specific rules derogating from the general rules on export licences provided for in Regulation (EC) No 1282/2006. Article 7 of Regulation (EC) No 1454/2007 provides for licences to be issued by the national authorities within five working days following the entry into force of the Commission's Decision fixing a maximum refund and lays down that the licence has to become valid on its actual day of issue. It is appropriate therefore to fix a validity period differently from that provided for in Article 8 of Regulation (EC) No 1282/2006 in order to ensure an equal period for all licences issued.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

A standing invitation to tender is opened in order to determine the export refund on the following milk products referred to in Section 9 of Annex I to Commission Regulation (EEC) No 3846/87[7], guaranteeing equality of access for all persons established in the Community:

(a) natural butter in blocks of at least 20 kilograms net weight falling under product code ex 0405 10 19 9700;

(b) butteroil in containers of at least 20 kilograms net weight falling under product code ex 0405 90 10 9000;

(c) skimmed milk powder in bags of at least 25 kilograms net weight and containing no more than 0,5 % by weight of added non-lactic matter falling under product code ex 0402 10 19 9000.

Article 2

Destinations

The products referred to in Article 1 are intended for export for all destinations with the exception of:

(a) third countries: Andorra, Liechtenstein, the United States of America and the Holy See (Vatican City State);

(b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeröe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;

(c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar**[**F1**;]**

(d) **[**F1those referred to in Article 36(1), Article 44(1) and Article 45(1) of Commission Regulation (EC) No 800/1999(8)**.]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 151/2009 of 20 February 2009 amending Regulation (EC) No 619/2008 opening a standing invitation to tender for export refunds concerning certain milk products.

Article 3

Applicable rules

Commission Regulations (EC) No 1291/2000(9), (EC) No 1282/2006 and (EC) No 1454/2007 shall apply save as otherwise provided for in this Regulation.

Article 4

Submission of tenders

1 Tenders may only be lodged during tendering periods and shall be valid only for the tendering period in which they are lodged.

2 **[**F2Each tendering period shall begin at 13.00 (Brussels time) on the Tuesday preceding the closing date as referred to in the third subparagraph, with the following exceptions:**]**

a in August it shall begin at 13.00 (Brussels time) on the third Tuesday;

b in December it shall begin at 13.00 (Brussels time) on the first Tuesday.

If Tuesday is a public holiday, the period shall begin at 13.00 (Brussels time) on the following working day.

[F3Each tendering period shall end at 13.00 (Brussels time) on the third Tuesday of the month with the following exceptions:**]**

a in August it shall end at 13.00 (Brussels time) on the fourth Tuesday;

b in December it shall end at 13.00 (Brussels time) on the second Tuesday.

If Tuesday is a public holiday the period shall end at 13.00 (Brussels time) on the previous working day.

3 Each tendering period shall be numbered in series starting with the first period provided for.

4 Tenders shall be submitted to the competent authorities of the Member States listed in Annex II.

5 Tenders shall be submitted separately, by destination, for one of the product codes referred to in Article 1.

6 In addition to the requirement laid down in Article 3(5)(c) of Regulation (EC) No 1454/2007, a tender shall indicate in Section 16 of the licence application the export refund product code preceded by 'ex' as referred to in Article 1 to this Regulation.

Textual Amendments

F2 Substituted by Commission Regulation (EC) No 150/2009 of 20 February 2009 amending Regulation (EC) No 619/2008 opening a standing invitation to tender for export refunds concerning certain milk products.

F3 Substituted by Commission Implementing Regulation (EU) No 409/2011 of 27 April 2011 amending Regulation (EC) No 619/2008 opening a standing invitation to tender for export refunds concerning certain milk products.

Article 5

Application quantities

For the products referred to in Article 1 each tender shall cover a minimum quantity of at least 10 tonnes.

Article 6

Securities

The tendering security shall be 15 % of the most recent maximum tender refund amount fixed for the same product code and the same destination. The tendering security may not, however, be less than EUR 5 per 100 kg.

Article 7

Notification of the tenders to the Commission

For the purpose of application of Article 5(3) of Regulation (EC) No 1454/2007 Member States shall communicate to the Commission, within three hours from the end of each tendering period as referred to in Article 4(2) of this Regulation, separately all valid tenders in the form specified in Annex I to this Regulation.

Article 8

Export licences

1 Article 7(2) and (3) of Regulation (EC) No 1282/2006 shall not apply.

2 By way of derogation from Article 8 of Regulation (EC) No 1282/2006 the period of validity of the export licence shall start on its actual date of issue and shall end at the end of the fourth month following the month in which the tendering period ends in accordance with the third subparagraph of Article 4(2) of this Regulation.

Article 9

Repeal

Regulation (EC) No 581/2004 and Regulation (EC) No 582/2004 are repealed.

Article 10

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.